

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **SIMON OLSTEIN, M.D.**

4 Holder of License No. **8589**  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

**Case No. MD-06-0812A**

**CONSENT AGREEMENT FOR  
PRACTICE LIMITATION**

**(NON-DISCIPLINARY)**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Executive Director of the Arizona  
9 Medical Board ("Board") and Simon Olstein, M.D. ("Physician") the parties agree to the following  
10 disposition of this matter.

11 1. Physician acknowledges he has read and understands this Consent Agreement and  
12 the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Physician  
13 acknowledges he understands he has the right to consult with legal counsel regarding this matter  
14 and has done so or chooses not to do so.

15 2. Physician understands that by entering into this Consent Agreement he voluntarily  
16 relinquishes any rights to a hearing or judicial review in state or federal court, or to challenge this  
17 Consent Agreement in its entirety as issued by the Board, and waives any other cause of action  
18 related thereto or arising from said Consent Agreement.

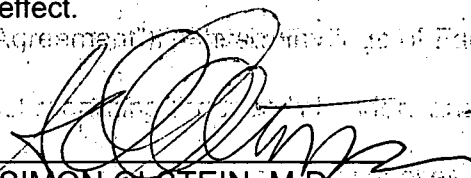
19 3. Physician acknowledges and understands that this Consent Agreement is not  
20 effective until signed by the Board.

21 4. All admissions made by Physician are solely for final disposition of this matter and  
22 any subsequent related administrative proceedings or civil litigation involving the Board and  
23 Physician. Therefore, said admissions by Physician are not intended or made for any other use,  
24 such as in the context of another state or federal government regulatory agency proceeding, civil  
25 or criminal court proceeding, in the State of Arizona or any other state or federal court.

1           5.     Physician acknowledges and agrees that upon signing this Consent Agreement,  
2 and returning this document (or a copy thereof) to the Board, Physician may not revoke  
3 acceptance of the Consent Agreement. Physician may not make any modifications to the Consent  
4 Agreement. Any modifications to this Consent Agreement are ineffective and void unless mutually  
5 approved by the parties.

6           6.     Physician further understands that this Consent Agreement, once approved and  
7 signed, is a public record that may be publicly disseminated as a formal **non-disciplinary** action of  
8 the Board and will be reported to the National Practitioner's Data Bank and posted on the Arizona  
9 Medical Board web site as a **voluntary non-disciplinary action**.

10          7.     If any part of the Consent Agreement is later declared void or otherwise  
11 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force and  
12 effect.

13   
14 SIMON OLSTEIN, M.D.

Dated: 10/23/06

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of the  
3 practice of allopathic medicine in the State of Arizona.

4 2. Physician is the holder of License No. 8589 for the practice of allopathic medicine in  
5 the State of Arizona.

6 3. On October 2, 2006 Physician reported that he currently has a medical condition  
7 that limits his ability to safely practice medicine.

8 4. Because Physician has recognized that his medical condition limits his ability to  
9 safely engage in the practice of medicine, the Board may enter into a consent agreement to ensure  
10 that Physician not practice medicine until he is recovered. A.R.S. § 32-1451(F); A.A.C. R4-16-509.

11 5. There has been no finding of unprofessional conduct against Physician.

12 **CONCLUSIONS OF LAW**

13 1. The Board possesses jurisdiction over the subject matter hereof and over  
14 Physician.

15 2. The Executive Director may enter into a consent agreement with a physician to limit  
16 or restrict the physician's practice or to rehabilitate the physician, protect the public and ensure the  
17 physician's ability to safely engage in the practice of medicine. A.R.S. § 32-1451(F); A.A.C. R4-  
18 16-509.

19 **ORDER**

20 IT IS HEREBY ORDERED THAT:

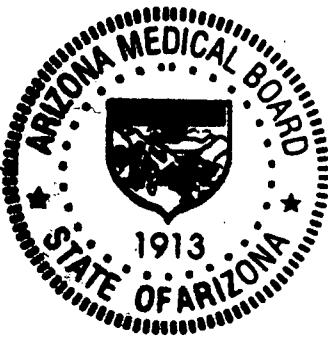
21 1. Physician's practice is limited in that he shall not practice clinical medicine or any  
22 medicine involving direct patient care and is prohibited from prescribing any form of treatment  
23 including prescription medications until Physician applies to the Board and receives permission to  
24 do so. The Board may require any combination of Staff approved assessments, evaluations,  
25 treatments, examinations or interview it finds necessary to assist it in determining Physician's

1 ability to safely and competently return to the active practice of medicine.

2 2. The Board's June 21, 2005 Order requiring Respondent to participate in the  
3 Board's Monitored Aftercare Program remains in full force and effect.

4 3. The Board retains jurisdiction and may initiate an action based on any violation of  
5 this Consent Agreement.

6 DATED this 25<sup>th</sup> day of October, 2006.



ARIZONA MEDICAL BOARD

10 By Amade Rich  
11 for Timothy C. Miller, J.D.  
Executive Director

12 ORIGINAL of the foregoing filed this  
13 25<sup>th</sup> day of October, 2006, with:

14 Arizona Medical Board  
15 9545 East Doubletree Ranch Road  
16 Scottsdale, Arizona 85258

17 EXECUTED COPY of the foregoing mailed by  
18 US Mail this 25<sup>th</sup> day of October, 2006, to:

19 Simon Olstein, M.D.  
20 Address of record  
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23  
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